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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	Case No. 18-CR-577 CRB
)	
Plaintiff,)	OCTOBER 13, 2023 DECLARATION OF AUSA
)	ROBERT S. LEACH IN SUPPORT OF
v.)	OPPOSITION TO DEFENDANTS' MOTIONS TO
)	DISMISS RE TIMELINESS
MICHAEL RICHARD LYNCH and)	
STEPHEN KEITH CHAMBERLAIN,)	Date: November 1, 2023
)	Time: 1:30 p.m.
Defendants.)	Court: Hon. Charles R. Breyer
)	Courtroom 6, 17th Floor
)	
)	
)	

I, Robert S. Leach, declare as follows:

1. I am an Assistant United States Attorney representing the United States of America, the plaintiff in this case.

2. Attached as **Exhibit 1** is a true and correct copy of the Declaration of AUSA Robert S. Leach in Support of the United States' *Ex Parte* Application for an Order Suspending the Statute of

1 Limitations Pursuant to 18 U.S.C. § 3292, filed January 29, 2016, in Case No. CR 14-90491 MISC
2 EMC, Bates-numbered USAO 00002293 to USAO 00002442.

3 3. Attached as **Exhibit 2** is a true and correct copy of the Diplomatic Note referenced in
4 Paragraph 25 of my January 29, 2016 declaration (Exhibit 1 above) with the referenced list of questions
5 and documents my Office and the FBI wished to discuss.

6 4. In September 2015, AUSA Adam Reeves and I and agents of the FBI travelled to Europe
7 to interview numerous witnesses in the United Kingdom and Vatican City State. I made travel
8 arrangements to interview Monsignor Cesare Pasini in the Vatican City State on Monday, September 28,
9 2015, but on Friday, September 25, 2015, Vatican City State authorities cancelled the interview. On
10 Saturday, September 26, 2015, I, AUSA Reeves, and agents of the FBI interviewed Corrado Broli.
11 Attached as **Exhibit 3** is a true and correct copy of the FBI's memorandum of the interview.

12 5. On December 23, 2015, the government made an official request to the Central Authority
13 of Italy for legal assistance in obtaining evidence, pursuant to the 2006 U.S.-Italy Mutual Legal
14 Assistance Instrument ("MLAT"). Attached as **Exhibit 4** is a true and correct copy of the MLAT.

15 6. Attached as **Exhibit 5** is a true and corrected copy of the Declaration of AUSA Robert S.
16 Leach in Support of the United States' *Ex Parte* Application for an Order Suspending the Statute of
17 Limitations Pursuant to 18 U.S.C. § 3292, filed June 7, 2016, in Case No. CR 14-90491 MISC EMC,
18 Bates-numbered USAO 00002456 to USAO 00002571.

19 7. Attached as **Exhibit 6** is a true and correct copy of an email dated March 24, 2016, from
20 Jonathan E. Lopez, counsel to Ernst & Young LLP in the UK, to AUSA Reeves with a copy to me,
21 Bates-numbered USAO-EMAIL 011188 to 11196.

22 8. In May 2016, AUSA Reeves and I met in London with outside counsel for E&Y UK.
23 E&Y UK declined to voluntarily produce documents or make Mr. Hales available. Attached as **Exhibit**
24 **7** is a true and correct copy of an email confirming the meeting, Bates-numbered USAO_EMAIL
25 011130.

26 9. Attached as **Exhibit 8** is a true and correct copy of an email dated December 2, 2016,
27 from Jonathan E. Lopez to AUSA Reeves and me, Bates-numbered USAO-EMAIL 011067 to 11068.

1 10. Attached as **Exhibit 9** is a true and correct copy of an email dated December 24, 2016,
2 from Jonathan E. Lopez to AUSA Reeves, Bates-numbered USAO-EMAIL 023474-75.

3 11. AUSA Reeves and I sought to interview Mr. Hales while in London in January 2018 but
4 he again declined. Attached as **Exhibit 10** is a true and correct copy of an email dated January 25, 2018,
5 from Simon Willis, another outside attorney for Ernst & Young LLP in the UK to AUSA Reeves with a
6 copy to me.

7 12. Attached as **Exhibit 11** is a true and correct copy of the July 27, 2018 Declaration of
8 AUSA Robert S. Leach in Support of the United States' *Ex Parte* Application for an Order Suspending
9 the Statute of Limitations Pursuant to 18 U.S.C. § 3292, filed July 27, 2018, in Case No. CR 14-90491
10 MISC EMC, Bates-numbered USAO 0000305 to USAO 00003608.

11 13. On April 18, 2016, the government received records in response to the official requests to
12 the Vatican City State as reflected in ECF No. 217-7. On April 28, 2016, and May 25, 2016, the
13 government received records in response to the official request to Italy as reflected in ECF Nos. 217-7
14 and 217-8.

15 14. Attached as **Exhibit 12** is a true and correct copy of a letter to me dated November 23,
16 2016, from DOJ's Office of International Affairs enclosing documents from Capita provided by the UK
17 and a letter dated November 4, 2016 from the UK's Serious Fraud Office to the UK Central Authority,
18 Bates-numbered MLAT_AU 00000539-541.

19 15. Attached as **Exhibit 13** is a true and correct copy of documents produced by Capita
20 included in the UK's November 2016 production, Bates-numbered MLAT_AU 00000551-555.

21 16. Attached as **Exhibit 14** is a true and correct copy of documents produced by Capita
22 included in the UK's November 2016 production, Bates-numbered MLAT_AU 00000616-617.

23 17. Attached as **Exhibit 15** is true and correct copy of a letter to me dated January 12, 2017,
24 from DOJ's Office of International Affairs enclosing documents of Royal Bank of Scotland provided by
25 the UK and a custodian of records declaration for the records, Bates-numbered MLAT_AU 00009057-
26 59.

1 18. Attached as **Exhibit 16** is a true and correct copy of documents of Royal Bank of
2 Scotland provided by the UK between November 16, 2016, and January 12, 2017, Bates-numbered
3 MLAT_AU 00009060-62.

4 19. Attached as **Exhibit 17** is a true and correct copy of documents of Royal Bank of
5 Scotland provided by the UK between November 16, 2016, and January 12, 2017, Bates-numbered
6 MLAT_AU 00009069-9118.

7 20. Attached as **Exhibit 18** is true and correct copy of a letter to me dated April 6, 2017,
8 from DOJ's Office of International Affairs enclosing documents of HSBC provided by the UK, a cover
9 letter dated March 30, 2017, from the UK Central Authority to DOJ's Office of International Affairs,
10 and a custodian of records declaration for the records, Bates-numbered MLAT_AU 00009173-9176.

11 21. Attached as **Exhibit 19** is a true and correct copy of documents of HSBC provided by the
12 UK under the cover letter in Exhibit 18, Bates-numbered MLAT_AU 00009291-92.

13 22. Attached as **Exhibit 20** is a true and correct copy of a document of HSBC provided by
14 the UK under the cover letter in Exhibit 18, Bates-numbered MLAT_AU 00009285.

15 23. Attached as **Exhibit 21** is true and correct copy of a letter to me dated June 22, 2017,
16 from DOJ's Office of International Affairs enclosing documents of Barclays and HSBC provided by the
17 UK, a June 9, 2017 cover letter from the UK Central Authority to DOJ's Office of International Affairs,
18 a May 26, 2017 cover letter from the UK's Serious Fraud Office to the UK Central Authority, and a
19 custodian of records declaration for the records, Bates-numbered MLAT_AU 00010092-95.

20 24. Attached as **Exhibit 22** is a true and correct copy of documents of Barclays provided by
21 the UK under the cover letter in Exhibit 21, Bates-numbered MLAT_AU 00010535-36 & 41.

22 25. Attached as **Exhibit 23** is a true and correct copy of documents of HSBC provided by the
23 UK under the cover letter in Exhibit 21, Bates-numbered MLAT_AU 00010725-30.

24 26. Attached as **Exhibit 24** is true and correct copy of a letter to me dated August 29, 2017,
25 from DOJ's Office of International Affairs enclosing documents of HSBC provided by the UK, a August
26 11, 2017 cover letter from the UK Central Authority to DOJ's Office of International Affairs, a July 28,
27
28

1 2017 cover letter from the UK's Serious Fraud Office to the UK Central Authority, and a custodian of
2 records declaration for the records, Bates-numbered MLAT_AU 00010755-59.

3 27. Attached as **Exhibit 25** is true and correct copy of a letter to me dated October 17, 2017,
4 from DOJ's Office of International Affairs enclosing documents of Merrill Lynch provided by the UK, a
5 October 12, 2017 cover letter from the UK Central Authority to DOJ's Office of International Affairs, a
6 October 12, 2017 cover letter from the UK's Serious Fraud Office to the UK Central Authority, and a
7 custodian of records declaration for the records, Bates-numbered MLAT_AU 00010974-78.

8 28. Attached as **Exhibit 26** is a true and correct copy of excerpts of a document of Merrill
9 Lynch provided by the UK under the cover letter in Exhibit 25, Bates-numbered MLAT_AU 00012867
10 to 12892.

11 29. Attached as **Exhibit 27** is true and correct copy of a letter from the UK's Serious Fraud
12 Office to the UK Central Authority dated August 15, 2017, Bates-numbered MLAT_AU 00016966-67.

13 30. Attached as **Exhibit 28** is a true and correct copy of documents of UBS provided by the
14 UK with the cover letter in Exhibit 27, Bates-numbered MLAT_AU 00016966-997.

15 31. Attached as **Exhibit 29** is true and correct copy of a letter to me dated December 13,
16 2018, from DOJ's Office of International Affairs enclosing documents of UBS provided by the UK, a
17 December 4, 2018 cover letter from the UK Central Authority to DOJ's Office of International Affairs,
18 and a custodian of records declaration for the records, Bates-numbered MLAT_AU 00017264-66.

19 32. Attached as **Exhibit 30** is a true and correct copy of a document of UBS provided by the
20 UK under the cover letter in Exhibit 29, Bates-numbered MLAT_AU 00017817.

21 33. Attached as **Exhibit 31** is a true and correct copy of a document of UBS provided by the
22 UK under the cover letter in Exhibit 29, Bates-numbered MLAT_AU 00018749.

23 34. The government offered some of the UBS documents produced on December 4, 2018, as
24 exhibits for an evidentiary hearing in *United States v. Hussain* to determine the gain for sentencing
25 purposes. Attached as **Exhibit 32** is a true and correct copy of a UBS document marked as EH – 36.001
26 for the evidentiary hearing and admitted by the Court.

35. Attached as **Exhibit 33** is true and correct copy of a letter to me dated December 28, 2018, from DOJ's Office of International Affairs enclosing documents from Ernst & Young LLP ("E&Y UK") provided by the UK, a December 17, 2018 cover letter from the UK Central Authority to DOJ's Office of International Affairs, and a November 9, 2018 cover letter from the UK's Serious Fraud Office to the UK Central Authority, Bates-numbered MLAT_AU00072614-17.

36. Attached as **Exhibit 34** is a true and correct copy of documents of E&Y UK provided by the UK under the cover letter in Exhibit 33, Bates-numbered MLAT_AU 00026205-26280.

37. Attached as **Exhibit 35** is true and correct copy of a letter to me dated April 2, 2018, from DOJ's Office of International Affairs enclosing documents of Vodafone provided by the UK, a March 28, 2018 cover letter from the UK Central Authority to DOJ's Office of International Affairs, and a custodian of records declaration, Bates-numbered MLAT_AU 00017004-13.

38. Attached as **Exhibit 36** is a true and correct copy of documents of Vodafone provided by the UK under the cover letter in Exhibit 35, Bates-numbered MLAT_AU 00017100-05.

39. Attached as **Exhibit 37** is a true and correct copy of documents of Vodafone provided by the UK under the cover letter in Exhibit 35, Bates-numbered MLAT_AU 00017130-17138.

40. On or about March 22, 2019, the UK produced records of HSBC relating to Lynch as reflected in ECF No. 217-13.

41. Attached as **Exhibit 38** is a true and correct copy of the United States' *Ex Parte* Application for an Order Suspending the Statute of Limitations Pursuant to 18 U.S.C. § 3292, filed January 29, 2016, in Case No. CR 14-90491 MISC EMC, Bates-numbered USAO 0002276-2290.

42. Attached as **Exhibit 39** is a true and correct copy of the United States' *Ex Parte* Application for an Order Suspending the Statute of Limitations Pursuant to 18 U.S.C. § 3292, filed June 7, 2016, in Case No. CR 14-90491 MISC EMC, Bates-numbered USAO 0002443-2452.

43. Attached as **Exhibit 40** is a true and correct copy of the United States' *Ex Parte* Application for an Order Suspending the Statute of Limitations Pursuant to 18 U.S.C. § 3292, filed July 27, 2016, in Case No. CR 14-90491 MISC EMC, Bates-numbered USAO 00003291-3300.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct.

3 Executed this 13th day of October 2023 in the Northern District of California.

4
5 /s/ Robert S. Leach

ROBERT S, LEACH

Assistant United States Attorney
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